

Stephen F. Crew, OSB No. 78171, stevec@rccb.com  
O'DONNELL, CLARK & CREW LLP  
Fremont Place, Suite 302  
1650 NW Naito Parkway  
Portland, Oregon 97209  
Telephone: (503) 306-0224  
Telecopy: (503) 306-0257

R. Stephen Berry, D.C. Bar No. 234815, sberry@berry-leftwich.com  
BERRY & LEFTWICH  
1717 Pennsylvania Ave. NW, Suite 450  
Washington, DC 20006-1809  
Telephone: (202) 296-3020  
Telecopy: (202) 296-3038  
(Other Counsel Listed on Signature Page of Accompanying Motions)  
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

**MORELOCK ENTERPRISES,**

**Plaintiff,**

**Civil No. 3:04-cv-00583-PA**

**WEYERHAEUSER CO.**

**Defendant.**

**THIRD DECLARATION OF GREGORY BARUCH**  
**RELATING TO COSTS AND FEES**

Pursuant to 28 U.S.C. § 1746, Gregory Baruch declares as follows:

1. I am a partner in the law firm Berry & Baruch, formerly partner in the law firm Berry & Leftwich, and one of the counsel of record in this case. This Declaration is submitted to update information previously submitted in connection with Class Counsel's application for fees and costs.

**THIRD DECLARATION OF GREGORY BARUCH**  
**RELATING TO COSTS AND FEES - Page 1**

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**Costs**

2. In their Report on Consultation Re Attorneys' Fees and Costs (filed July 9, 2008), Class Counsel stated that they were seeking reimbursement for \$1,822,869.89 in costs expended in this litigation. Since then, Class Counsel have incurred another \$31,861.96 in costs. These costs are itemized in the materials appended as Exhibit A. Thus, the total costs expended thus far for which Class Counsel are seeking reimbursement amount to \$1,854,731.<sup>1</sup>

**Hours**

3. Class Counsel have requested that fees be awarded on a percentage basis, as is customary in common fund cases. However, in evaluating Class Counsel's request for fees, the Court will presumably wish to be informed of the lodestar fees incurred by Class Counsel. In our July 9, 2008 Report on Consultation re: Attorney Fees and Costs, we set forth \$5,077,552 in lodestar fees.<sup>2</sup> For the period after the last submission of hours (*i.e.*, from May 15, 2008 through April 28, 2009), we have incurred the following additional hours:

R. Stephen Berry	67.75 hours
Gregory Baruch	369.00 hours
Paralegal	45.75 hours

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<sup>1</sup> Since this amount reflects only costs actually incurred to date, this amount does not include further costs likely to be incurred if preliminary approval is granted, such as the costs of settlement administration.

<sup>2</sup> The figure set forth in the Report on Consultation represented a reduction of \$9,100 when compared to the fees previously set forth in our Motion for Award of Costs and Fees. This was because of the deletion of inadvertent double-billings for Mr. Leftwich (4 hours on Oct. 17, 2007) and myself (7 hours on Sept. 24, 2007) and of an inadvertent triple-billing for paralegal work (12 hours and 12 hours on April 11, 2008).

Time entries are set forth in the printout appended as Exhibit B. Applying the same hourly rates set forth in my May 15, 2008 Declaration in Support of Bill of Costs and Motions for Award of Costs and Fees (and without adjusting for any annual rate increase in the intervening year), this would result in the following fees:

	<u>Hours</u>	<u>Rate</u>	<u>Fees</u>
R. Stephen Berry	67.75 hours	\$725	\$49,118.75
Gregory Baruch	369.00 hours	\$500	\$184,500.00
Paralegal	45.75 hours	\$150	\$6,862.50

Total: \$240,481.25

Adding this to the \$5,077,552 in fees set forth in the previously submitted Report on Consultation re: Attorney Fees and Costs, this results in total lodestar fees of \$5,318,033.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of May, 2009

  
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 GREGORY BARUCH